



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

000001

REPLY TO THE ATTENTION OF:

SR-6J

Northern Trust Bank  
Trustee for Land Trust # 92980  
959 S. Waukegan Rd  
Lake Forest, IL 60045

Re: The Vulcan Louisville Smelting Company Site  
(aka "The Vacant Lot")  
CERCLIS ID# ILD 097 271 563  
North Chicago, Lake County, Illinois  
General Notice of Potential Liability

EPA Region 5 Records Ctr.



229861

Dear Sir or Madam:

The United States Environmental Protection Agency (U.S. EPA) has documented the release or threat of release of hazardous substances pollutants and contaminants into the environment from the above-referenced facility, and is planning to spend public funds to investigate and control these releases. This action will be taken by the U.S. EPA pursuant to the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, 42 U.S.C. Section 9601 et seq. (CERCLA), unless the U.S. EPA determines that such action will be done properly and promptly by a responsible party or parties. Responsible parties under CERCLA include the current and former owners and operators of the facility, persons who generated the hazardous substances, and persons who were involved in the transport, treatment or disposal of the hazardous substances at the facility. Under Section 107(a) of CERCLA, where the U.S. EPA uses public funds towards the cleanup of the hazardous substances, responsible parties are liable for all costs associated with the removal or remedial action and all other necessary costs incurred in cleaning up the facility, including investigation, planning and enforcement costs.

The U.S. EPA has conducted an Engineering Evaluation/Cost Analysis (EE/CA) at the Vacant Lot focusing on the property 6.4-acre parcel of land located at the northeast corner of Commonwealth Avenue and 22<sup>nd</sup> Street in North Chicago, Lake County, Illinois. The Vacant Lot Site is bordered on the north by elevated tracks of Elgin, Joliet & Eastern (EJ&E) Railroad, on the east by Fansteel, on the south by 22<sup>nd</sup> Street (a.k.a. Martin Luther King Jr. Drive) and on the west by Commonwealth Avenue. The EMCO facility is located on the west side of the Site, west of Commonwealth Avenue.

The EE/CA report detected elevated concentrations of lead, and low concentrations of beryllium, aldrin, benzo(a)anthracene, benzo(b)fluoranthene, benzo(a)pyrene, dieldrin, dibenzo(a,h)anthracene, indeno(1,2,3-cd)pyrene, n-nitroso-di-n-propylamine, and polychlorinated

biphenyls (PCBs). In addition to these contaminants, the source/fill area also contains perchloroethene (PERC) contamination to a 4-foot depth, while another location within the source/fill area contains lead contamination to a 9-foot depth. Apart from this general area of contamination, particular areas of contamination include PCB contamination to a 2-foot depth, and a source/fill area with contamination to a 4-foot depth. PERC contamination was found at the 2-foot depth (170 mg/kg) and lead contamination at an 8-foot depth.

Based on the EE/CA for the Vacant Lot property, the U.S. EPA has determined that the following response actions are necessary at the Vacant Lot Site: (1) excavate soils containing elevated levels of lead, PCBs, perchloroethene, and other volatile organic compounds; (2) stabilize excavated material exhibiting the characteristic of toxicity for lead prior to disposal; and (3) dispose of the excavated soils at appropriate facilities.

The U.S. EPA has received information that any beneficiary of Land Trust # 92980 is an owner of the Site under CERCLA. By this letter, the U.S. EPA notifies you of your beneficiaries' potential liability with regard to this matter and encourages them, as a potentially responsible parties to agree to reimburse the U.S. EPA for costs incurred to date and to voluntarily perform or finance the response activities which the U.S. EPA has determined or will determine are required at the facility. The U.S. EPA is willing to discuss with you and/or the trust beneficiaries the entry of an appropriate administrative consent order under which you or the my would perform or finance response activities and reimburse the U.S. EPA for its costs. If a consent order cannot be promptly concluded, the U.S. EPA may issue a unilateral administrative order under Section 106 of CERCLA, requiring performance of the specified work. Under Sections 106 and 107 of CERCLA, you may be liable for reimbursement of the U.S. EPA's costs, for statutory penalties, and for treble damages for noncompliance with such an order.

Because of the conditions described above, the U.S. EPA believes that response activities at the Site must be initiated as quickly as possible. Therefore, the U.S. EPA does not intend to utilize the special notice procedures available under Section 122 (e) of CERCLA.

As a potentially responsible party, each beneficiary should notify the U.S. EPA in writing within fourteen (14) days of your receipt of this letter of their willingness to perform or finance the activities described above and to reimburse the U.S. EPA for its costs.

Your response and the response(s) of the beneficiaries should be sent to:

Denise Williams (SR-6J)  
Remedial Enforcement Support Section  
Superfund Division  
U.S. Environmental Protection Agency, Region 5  
77 W. Jackson Blvd.  
Chicago, Illinois 60604-3590

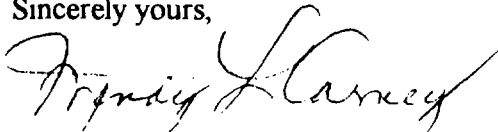
If the U.S. EPA does not receive a timely response, the U.S. EPA will assume that your beneficiaries does not wish to negotiate a resolution of its potential responsibility in connection with the facility and that your beneficiaries have declined any involvement in performing the response activities.

Responses should indicate the appropriate name, address and telephone number for further contact. If you are already involved in discussions with State or local authorities or involved in a lawsuits regarding this facility, you may continue such activities as you see fit. This letter is not intended to advise you or direct you presently to restrict or discontinue any such activities already underway; however, you are advised to report the status of those discussions or actions in your response to this letter and to provide a copy of your response to any other parties involved in those discussions or actions.

If you need further information regarding this letter, you may contact Thomas Krueger, Associate Regional Counsel at (312) 886-0562.

Due to the nature of the problem at this facility and the attendant legal ramifications, the U.S. EPA strongly encourages you and the trust beneficiaries to submit a written response within the time frame specified herein. We hope you will give this matter your immediate attention.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Wendy L. Carney".

Wendy L. Carney, Chief  
Remedial Response Branch #1

LIST OF PRPs WHO RECEIVED PREVIOUS GENERAL NOTICE LETTER

Fansteel

Number One Tantalum Place

North Chicago, Illinois 60064